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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rubin et al.

Serial No. 09/871,388

Filed: May 31, 2001

For: KUZ, A Novel Family of
Metalloproteases

Group Art Unit: 1644

Examiner: Nolan, Patrick J.

Attorney Docket No. B97-081-7

CERTIFICATE OF TRANSMISSION

I hereby certify that this copy is being transmitted by facsimile to the
Comm for Patents at 703-872-9307 on May 6, 2003.

Signature

Richard Aron Osman

OFFICIAL

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner,

We are Appealing the Final Rejection dated March 11, 2003. In addition, unclear to us is the Action's statement that "Upon a review of provisional Application 60/019,390, the instantly filed claims have an effective filing date of 7-23-97." Since we are unsure what the Action intends by this statement re priority, we respond as follows:


Priority Provisional Application 60/019,390 was filed 8-29-96 and priority Provisional Application 60/053,476 was filed 7-23-97. In Figures 4, 5, 6 and 7, the earlier-filed Provisional Application 60/019,390 discloses Drosophila, human transmembrane, human secreted KUZ, and a partial mouse KUZ protein. This Provisional Application also discloses and teaches how to make antibodies specific to these KUZ proteins (e.g. p.19, line 25 - p.21, line 6).

Pending claims 19 and 20, for example, are directed to antibodies specific to Drosophila and human transmembrane KUZ, respectively. These antibodies are disclosed in Priority Provisional Application 60/019,390 filed 8-29-96 and hence, should be entitled to that effective filing date.

We petition for and authorize charging our Deposit Account No.19-0750 all necessary

extensions of time. The Commissioner is authorized to charge any fees or credit any overcharges relating to this communication to our Dep. Acct. No.19-0750 (order B97-081-7).

Respectfully submitted,
SCIENCE & TECHNOLOGY LAW GROUP


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